

Ordinance No. 18821

Authorizing the execution of a contract
on behalf of the City of Seattle with The
Seattle Electric Co. with reference to
the maintenance and operation of street
car sprinklers.

Council Bill No. 5767

INTRODUCED: JUN 22 1908	BY: MULLEN
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COMPARED BY: <i>B. J. ... AND Johnson</i>	

Form 1. 11-14-03 M.

Ordinance No. 18521.

AN ORDINANCE authorizing the execution of a contract in behalf of the City of Seattle by the Chairman of the Board of Public Works with The Seattle Electric Company in reference to the maintenance and operation of two (2) electric street car sprinklers.

WHEREAS the City desires to operate upon the tracks of The Seattle Electric Company two (2) electric street car sprinklers; and

WHEREAS the following agreement is satisfactory to the City and The Seattle Electric Company, to-wit:

MEMORANDUM OF AGREEMENT made this _____ day of _____, 1908 between the City of Seattle, a municipal corporation, first party, and The Seattle Electric Company, a Washington corporation, second party, WITNESSETH:

WHEREAS the City is the owner of two (2) electric car street sprinklers which it desires to have operated over the tracks of the Company in the City of Seattle;

And whereas the Company is willing to allow said cars to be operated upon its tracks upon certain terms and conditions, and is also willing to aid the City in its use of said cars, the City agreeing to do certain things and make certain payments in connection therewith;

NOW THEREFORE it is agreed between the parties hereto as follows:

First: The Company will house the cars, furnish electric power and use of tracks for their operation, do all ordinary inspection, oiling and maintenance of cars and equipment, such as cleaning, adjusting brake mechanisms, renewing brake shoes, grinding flat wheels and renewing trolley wheels without cost to the City.

Second: The City is to furnish the cars and equipment f. o. b. on the tracks of the Company, pay wages of car operators and tank men, pay the cost of rewinding armatures or fields, and the renewing of worn out or broken wheels, truck frames, all painting and all repairing of damage caused by accident, and also pay for all extraordinary repairs and renewals. It will also provide, at its own expense, stand pipes conveniently located for the filling of the tanks, and at its own expense, will maintain and

operate the same.

Third: All operators of said cars shall be satisfactory to the Superintendent of Transportation of the Company, and no person shall be employed to operate said cars, or either of them, prior to the approval of such person by the Superintendent of Transportation of the Company, nor after the disapproval of such person by such Superintendent. Such persons while operating said cars shall be subject to the running rules and regulations of the Company. The cars shall be operated in such manner as to create as little obstruction or delay to the regular traffic of the Company as possible.

Fourth: The City hereby assumes all risk of injury to and destruction of said cars and equipment, however caused, and also all liability for injury and damage to persons and property, or either, arising out of or in any manner connected with the maintenance and operation of said cars and sprinkling equipment, including tanks, and will indemnify and hold the Company harmless from all such injury, liability and damage.

IN WITNESS WHEREOF the City has caused these presents to be signed by its Chairman of the Board of Public Works pursuant to an ordinance of the City duly enacted authorizing the execution of this instrument by such officer, and the Company has caused this instrument to be executed by its proper officers thereunto duly authorized.

Signed, Sealed and Delivered
in the Presence of

The City of Seattle,

By _____
Its Chairman of the Board of
Public Works.

The Seattle Electric Company,

By _____
Its President.

Attest: _____
Secretary.

NOW THEREFORE

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Chairman of the Board of Public Works of the City of Seattle be and he is hereby authorized in the name of the City of Seattle and in behalf of the City, to enter into an agreement with The Seattle Electric Company in substantially the form set forth in this ordinance, and the City of Seattle upon the execution of such instrument by said Chairman of the Board of Public Works agrees to be bound by the terms and conditions therein contained.

(To be used in case of emergency ordinances)

Section 2. WHEREAS, it is desirous and necessary that the sprinkling system provided for in this ordinance be installed at the earliest possible moment during the present summer season; and whereas a delay of thirty days in the taking effect of this ordinance after passage and approval by the mayor will be contrary to the best interests of the city and deleterious to the health of the people of the city,

NOW, THEREFORE, by reason of the foregoing facts, an emergency is hereby declared to exist in which it is necessary for the immediate preservation of the public peace, health and safety that this ordinance shall become effective without delay.

Section 3. This ordinance shall take effect after its passage and approval, if approved by the Mayor; otherwise it shall become a law and take effect as provided by the City Charter.

Passed the City Council the 6th day of JULY 1908, and signed by me in open session in authentication of its passage this

6th day of JULY 1908.

Wm. A. Ward
President of the City Council.

Approved by me this 7th day of JULY 1908.

John H. Allen
Mayor.

Filed by me this 20th day of JULY 1908.

Seal

Wm. Carroll
City Comptroller and ex-officio City Clerk.

Attest:

By _____
Deputy Clerk.

Published

City Comptroller and ex-officio City Clerk.

By _____
Deputy Clerk.

The City of Seattle

Washington

OFFICE OF
Superintendent of Public Utilities

July 10, 1908

Hon. John F. Miller,
Mayor of Seattle,
Seattle, Washington.

Dear Sir:-

I return herewith Council Bill No. 5767, "An Ordinance authorizing the execution of a contract in behalf of the City of Seattle by the Chairman of the Board of Public Works with The Seattle Electric Company in reference to the maintenance and operation of two (2) electric street car sprinklers."

The Street and Sanitation Departments are very desirous that sprinklers be put in use without delay.

The form of the agreement embodied in the Ordinance is generally satisfactory except that the life of the contract should be determined and fixed, and referring particularly to Section "Second" of the Agreement, there should be a provision to the effect that no expenditures shall be incurred by the Seattle Electric Company for which the City of Seattle shall be liable except upon written requisition from the Board of Public Works.

Inasmuch as Section 1 of the ordinance provides that the agreement shall be substantially the form set forth in this Ordinance, I understand that the Chairman of the Board has authority to reach an understanding with the Seattle Electric Company to modify the form of the agreement in accordance with the above suggestions and if the bill receives your approval and I receive no instructions from you to the contrary I will act accordingly.

Very respectfully,

C/AVE
Enclosure.

W. H. C. Miller